

FILED 1
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

1.) Arael GUZMAN-Rodriguez,
 2.) Misael GARCIA-Leon

Defendant(s)

Magistrate Case No.
 CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

BY: *[Signature]* COMPLAINT FOR VIOLATION OF:
 Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
 Transportation of Illegal
 Aliens
 Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)
 Bringing in Illegal Aliens Without
 Presentation

The undersigned complainant, being duly sworn, states:

Count 1

On or about **February 22, 2008**, within the Southern District of California, defendant **Arael GUZMAN-Rodriguez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jorge Arturo MELGOZA-Rodriguez, Tomas IGNACIO-Santiago, and Victor MELGOZA-Garcia** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

Count 2

On or about **February 22, 2008**, within the Southern District of California, defendant **Misael GARCIA-Leon**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Jorge Arturo MELGOZA-Rodriguez, Tomas IGNACIO-Santiago, and Victor MELGOZA-Garcia** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[Signature]
 SIGNATURE OF COMPLAINANT
 Ismael Canto
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF FEBRUARY
2008

[Signature]
 Nita L. Stormes
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

- 1.) **Arael GUZMAN-Rodriguez**
- 2.) **Misael GARCIA-Leon**

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Jorge Arturo MELGOZA-Rodriguez, Tomas IGNACIO-Santiago, and Victor MELGOZA-Garcia** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 22, 2008, at approximately 4:40 p.m. Border Patrol Agent J. Ruhl was performing linewatch duties in the Chula Vista Border Patrol Stations area of responsibility. Agent Ruhl was on a high point along the Otay Mountain watching an area known to Border Patrol Agents as the "555 Tubes". This area is located approximately one-quarter mile east and one mile north of the Otay Mesa, California Port of Entry. Agent Ruhl was specifically looking at an area along Alta Road in between the Donovan State Prison and the Bailey Detention Facility. In addition, this area is used by alien smugglers to pick up groups of illegal aliens. In fact, a vehicle had been reported to have loaded a group of individual earlier in the day. Agent Ruhl observed a gold-colored car that had been traveling southbound on Alta Road just south of the "555 Tubes", stop and back up towards the tubes about 50 yards south of the guard railing. Agent Ruhl then observed five or six individuals come out of the brush and run towards the stopped car. When the individuals reached the car, they all got inside and the vehicle proceeded southbound on Alta Road, heading toward Otay Mesa Road. Agent Ruhl described what he had just witnessed, via Bureau radio, to other agents in the area.

Border Patrol Agent G. Custenborder responded from the corner of Alta Road and Otay Mesa Road. Agent Custenborder encountered a vehicle matching the description traveling southbound on Alta Road. Agent Custenborder immediately made a U-Turn and pulled in behind the vehicle. He was able to broadcast, via his Bureau issued radio, the make and model of the car as well as the license plate number. Agent Custenborder continued to follow the vehicle westbound onto Otay Mesa Road at which time Border Patrol Agent A. Galvez pulled in between the vehicle and Agent Custenborder. The vehicle continued westbound on State Route 905 where it encountered a red light at the intersection of Piper Ranch Road and State Route 905. Agent Custenborder was able to pull alongside the vehicle due to the red light and look into the rolled down passenger side window. He observed a passenger in the front seat, multiple people in the back seat, as well as the driver of the vehicle. Agent Custenborder recognized the driver of the vehicle as a younger looking Hispanic male with a dark sweatshirt, short black hair, and a goatee. As Agent Custenborder was alongside the vehicle, Agent Galvez activated the emergency lights and siren of his vehicle to initiate a vehicle stop. Agent Custenborder witnessed the light turn green and the vehicle turn north on Piper Ranch Road failing to yield. The vehicle sped out of Agent Custenborder's sight around a corner. A subsequent search of the area revealed the vehicle hidden behind a building at 1578 Air Wing Road, Otay Mesa, California. Agent Custenborder approached the vehicle and discovered that all of its occupants had fled. He secured the vehicle and then began a search of the immediate area. Agent Custenborder followed some footprints leading north into a drainage ditch. After walking a few hundred yards up the ditch he came upon Border Patrol Agent T. Maloney who had discovered seven individuals hiding in a drainage tube. Agent Maloney identified himself as a Border Patrol Agent, at which time all seven individuals began to scatter. After a brief foot pursuit, Agent Maloney was able to detain the subjects with the assistance of Border Patrol Agent A. Garcia. Agent Custenborder was able to immediately identify the driver of the vehicle, later identified as defendant **Arael GUZMAN-Rodriguez**.

CONTINUATION OF COMPLAINT:

- 1.) Arael GUZMAN-Rodriguez
- 2.) Misael GARCIA-Leon


Agent Maloney and Agent Garcia questioned all of the subjects, individually, concerning their citizenship. The driver, defendant GUZMAN claimed to be a citizen and national of Mexico. The additional six passengers claimed to have just crossed the United States/Mexico border illegally. In addition, the six subjects all stated they were citizens of Mexico and none of them had any documents that would allow them to work, remain, or reside in the United States legally.

All occupants, including GUZMAN, were placed under arrest and transported to the Chula Vista Border Patrol Station for processing.


MATERIAL WITNESSES STATEMENTS:

Material Witnesses Jorge Arturo MELGOZA-Rodriguez, Tomas IGNACIO-Santiago, and Victor MELGOZA-Garcia in summary stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Mexico to be smuggled into the United States. All the material witnesses stated that they were to pay between \$1000.00 to \$2,500.00 U.S. dollars to be smuggled to various parts of California. All the material witnesses stated that a foot guide led them across the border. All of the material witnesses stated that the foot guide led them to location where a vehicle picked them up. When shown a photographic lineup all of the material witnesses were able to identify Arael GUZMAN-Rodriguez as the driver of the vehicle and Misael GARCIA-Leon as the foot guide.

Executed on February 24, 2008 at 9:00 a.m.


 Carlos R. Chavez
 Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on February 22, 2008, in violation of Title 8, United States Code, Section 1324.


 Nita L. Stormes
 United States Magistrate Judge

2-24-08 @ 11:35 AM
 Date/Time